

# HAWKINS PARNELL

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March 17, 2023

**VIA ECF**

Honorable Valerie Figueredo  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**RE: *Brian Joseph Gref v. American International Industries, et al.***  
**Case No.: 1:20-cv-05589-GBD-DCF**

Dear Judge Figueredo,

Please accept this letter as a joint status update on behalf of Plaintiff and American International Industries (“A-I-I”) in the *Gref* matter.

Following Plaintiff’s February 16, 2023 disclosure of a container of Clubman talc “recently discovered” by Plaintiff’s mother, Karen Nappi, counsel for Plaintiff and A-I-I met and conferred on March 9, 2023 to discuss discovery regarding the container and the completion of fact and expert witness depositions. Fact discovery remains open with respect to the newly discovered container. Expert discovery remains open to the extent that depositions pursuant to the prior schedule remain open and/or have yet to conclude.

Plaintiff also produced seven (7) photographs of the Clubman container. A-I-I intends to seek additional information and the parties will meet and confer as appropriate. Plaintiff and A-I-I will also develop a joint protocol for any testing to be performed on the contents of the Clubman container going forward.

The in-person videotaped depositions of Karen Nappi and Frank Nappi are expected to go forward at the end of April 2023, with the parties determining the logistics of these depositions in the coming week. A-I-I intends to seek Plaintiff Brian Gref’s deposition in regards to the recently disclosed Clubman container. Plaintiff’s position is that Mr. Gref’s deposition is closed and that there are no grounds to re-open it.

Following these depositions, the continuation of the deposition of Plaintiff’s expert, William Longo, will go forward to address any testing and chain of custody issues related to the new container. On February 14, 2023, A-I-I additionally requested Plaintiff produce documents discussed at Dr. Longo’s February 2, 2023 deposition. Plaintiff responded and provided the information requested to the extent it existed and is discoverable. A-I-I maintains that it is entitled to certain information we do not believe they are entitled to and have not provided. Following the

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completion of Dr. Longo's deposition, A-I-I will re-tender their experts, Alan Segrave and Mickey Gunter, for deposition by Plaintiff.

As Your Honor is aware, the issue of whether Defendants are entitled to a continuation deposition of Dr. Jacqueline Moline is currently pending before this Court and any additional deposition dates shall be determined in accordance with this Court's anticipated ruling on this issue. With respect to Dr. Allan Feingold's deposition, one of A-I-I's experts, because Plaintiff was unable to accept three of the four dates A-I-I offered for the continuation of his deposition the parties are in communication regarding scheduling so that an alternate workable date can be secured.

Finally, counsel for Plaintiff is pleased to report that he and counsel for A-I-I's co-defendants have reached agreement regarding the scheduling of expert depositions and discovery related to newly discovered bottle. Along these lines, court assistance on these matters will only be necessary to the extent that the parties elect to stand on various positions. The parties have not conferred on a number of these matters, and Plaintiff is hopeful that meet and confer efforts will narrow, if not eliminate, the need for court intervention.

The Parties are available to discuss these matters with the Court should Your Honor require any additional information.

Respectfully submitted,

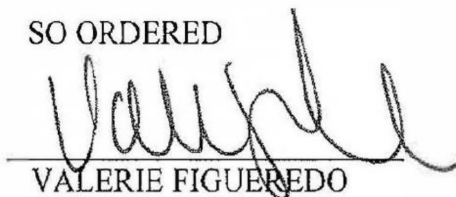


Alfred J. Sargente

AJS/tl

cc: All Co-Defendants (via ECF)

SO ORDERED



VALERIE FIGUEREDO

United States Magistrate Judge

Dated: 3-20-2023

The parties are directed to submit a joint letter by no later than **Thursday, April 20, 2023** providing the Court an update on the status of discovery. The letter should detail the progress of discovery in the prior month, the anticipated next steps in the upcoming month, and any disputes that have arisen.